



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KPO/SSA
F. #2021R001087

*610 Federal Plaza
Central Islip, New York 11722*

May 22, 2025

By Email and ECF

Evan Sugar
Federal Defenders of New York
100 Federal Plaza
7th Floor, Room 770
Central Islip, NY 11722
evan_sugar@fd.org

Re: United States v. Faustin Nsabumukunzi
Criminal Docket No. 25-138 (JS)

Dear Mr. Sugar:

Enclosed please find discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The discovery has been transmitted by USAfx, a file-sharing system. Please download these files as soon as practicable.

I. The Government's Discovery

A. Statements of the Defendant

Please find enclosed a copy of the defendant's immigration documents, Bates numbered FN_000001 – FN_000507 and FN_000795 – FN_00797.

Please find enclosed a copy of a 2006 New York Times article about the defendant, Bates numbered FN_000798 – FN_000802.

B. The Defendant's Criminal History

[REDACTED]

C. Documents and Tangible Objects

Please find enclosed the following additional materials:

- Immigration documents submitted by members of the defendant's family, Bates Numbered FN_000508 – FN_00721.¹
- Background materials regarding Rwanda and the Rwandan Geocide, Bates numbered FN_000744 – FN_000794, FN_000803 – FN_001921, FN_001938 – FN_001987 and FN_002048.
- Information about the defendant including immigration records, Bates numbered FN_001990 – FN_001995, FN_001997 – FN_002012.
- A social media post, Bates numbered FN_002045 – FN_002047.
- Materials and photographs from Rwanda in approximately September 2024, Bates numbered FN_002065 – FN_002156.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

At present, the government anticipates calling an expert at trial to testify about the 1994 Rwanda Genocide. The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

¹ FN_000722 – FN_000733 are intentionally left blank.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of

the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ Katherine P. Onyshko
Katherine P. Onyshko
Samantha Alessi
Assistant U.S. Attorneys
Brian Morgan
Trial Attorney
(718) 254-7000

Enclosures

cc: Clerk of the Court (JS) (by ECF) (without enclosures)